IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 14816 of 2005

Between:

1 Smt. Boda Lakshmi Saraswathi, W/o. Arjuna Rao,
R/o. Konda Pavuluru Village, Gannavaram Mandal, Krishna District.
2 Smt. Boda Venkata Dhana Lakshmi, W/o. Late Subba Rao,
R/o. Konda Pavuluru Village, Gannavaram Mandal, Krishna District.
3 Boda Arjuna Rao, S/o. Subbaiah,
R/o. Konda Pavuluru Village, Gannavaram Mandal, Krishna District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Gannavaram Mandal, Gannavaram, Krishna

District.
2 The District Collector, Krishna District, Machilipatnam, having Camp

Office at Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the impugned notices of the 1st respondent-MRO dt. 13.05.2005 and 28.05.2005 issued in the name of my husband i.e., the 3rd petitioner as illegal, arbitrary, unconstitutional and against to the principles of natural justice.

Counsel for the Petitioner: MR.B.CHINNAPA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

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ORDER :

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This writ petition is filed seeking to declare the impugned notices dated 13-05-2005 and 28-05-2005 issued by the first respondent in the name of the third petitioner as illegal and arbitrary.

The first and third petitioners are the wife and husband and the second respondent is their daughter, who is a widow having children. The petitioners, who belong to Scheduled Tribe community, are landless poor persons and eking out their livelihood by agriculture. The third petitioner purchased an extent of Ac.0.45 cents of patcher (dry) land in Sy.No.256-9 of Konda Pavuluru Village and converted the same as suitable for agriculture by raising Mango crop. It is stated that the first and second petitioners purchased lands of Ac.3.00 cents and Ac.3.86 cents, respectively, from Uppalapati Achutya Rama Rao of Konda Pavuluru village about 30 years ago. Since the date of purchase, the petitioners have been in possession and enjoyment of the lands-in-question without any interruption either by the officials or by the third parties and perfected their title by adverse possession. It is also stated that the petitioners are in possession and enjoyment of

the lands-in-question even prior to the commencement of Act 9 of 1977. While so, the first respondent issued notices dated 13-05-2005 and 28-05-2005 under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules 1977 (for short 'the Rules') in the name of the third petitioner, without conducting any enquiry as required under the Statute. Hence, the writ petition.

The learned counsel for the petitioners submits that though the third petitioner submitted an explanation, dated 01-07-2005, before the first respondent, no further steps have been taken so far.

Heard both the learned counsel and perused the material available on record.

In view of the facts and circumstances of the case, especially in view of the fact that the explanation, dated 01-07-2005, submitted by the third petitioner is pending before the first respondent, I deem it appropriate to direct the first respondent to consider the said explanation.

The writ petition is accordingly disposed of directing the first respondent to consider the explanation, dated 01-07-2005, submitted by the third petitioner and pass appropriate orders, in accordance with law, after giving due opportunity to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to interfere with the possession of the petitioners in respect of the lands-in-question. No costs.

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(ELIPE DHARMA RAO, J)

Date:11-07-2005

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To

1 The Mandal Revenue Officer, Gannavaram Mandal, Gannavaram, Krishna District.

2 The District Collector, Krishna District, Machilipatnam, having Camp Office at Vijayawada, Krishna District.

3 Two copies to G.P.for Revenue, High court buildings, Hyderabad.(O.U.T.)

4 2 CD copies